

REMARKS

This Amendment follows the Final Office Action mailed 25 March 2010. Claims 1, 12, 28, and 45-49 are amended. A Request for Continued Examination is filed contemporaneously herewith to allow the Examiner a full opportunity to consider the amended claims. Claims 5, 20, 39 and 51 are canceled. Support for the amendments can be found in at least FIGS. 4-6 and the related description of those figures, including at least the description at pages 5-7 of the present specification. No new matter has been added.

Claim Objections

Claim 20 stands objected to under 37 CFR 1.75(c) as being of improper dependent form. Claim 20 is canceled. Applicants request withdrawal of the objection.

Claim Rejections – 35 U.S.C. §103

Claims 1, 14-16, 20, 28, 45-49, 51-54 and 57-59 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,767,356 to Kanner et al. Applicants respectfully traverse this rejection.

Each of independent claims 1, 28 and 45-48 is amended to recite an additional distal hole (also referred to as an inlet port) and an indicator (also referred to as a proximal hole or an outlet port). Independent claim 1 as amended recites “a third distal hole located at a distal end of the vascular insertion assembly; a third indicator located at the proximal end of the vascular insertion assembly, the third indicator being in fluid communication with the third distal hole.”

Independent claim 28 as amended recites “a third distal hole located in the distal end of one of the dilator and insertion sheath, wherein the first, second and third distal holes are spaced part from each other in a lengthwise direction; . . . a third proximal hole located at the proximal end of the one of the dilator and insertion sheath, the third proximal hole being in fluid communication with the third distal hole.”

Independent claim 45 as amended recites “wherein the third distal hole is located in the distal end of one of the dilator and insertion sheath; . . . the third distal hole is in fluid communication with the third indicator; . . . and the third indicator is located in one of the dilator and insertion sheath.”

Independent claim 46 as amended recites “a distal end where a first distal hole, a second distal hole, and a third distal hole are located; a proximal end where a first indicator, a second indicator, and a third indicator are located; . . . wherein the third distal hole is located in the distal end of one of the dilator and insertion sheath; . . . the third distal hole is in fluid communication with the third indicator; . . . the third indicator is located in one of the dilator and insertion sheath; . . . and the third indicator provides an indication that the vascular insertion assembly is at another depth in the vessel.”

Independent claim 47 as amended recites “a third inlet port in the distal end of one of the dilator and insertion sheath, the third inlet port being offset from the first and second inlet ports; a third outlet port located at the proximal end of one of the dilator and insertion sheath, the third outlet port being in fluid communication with the third inlet port so that when the third inlet port penetrates the vessel the third outlet port indicates proper insertion of the vascular insertion assembly into the vessel.”

Independent claim 48 as amended recites “wherein the second distal hole is located in the distal end of one of the dilator and insertion sheath; . . . the second distal hole provides an indication that the vascular insertion assembly has penetrated the vessel a proper distance, . . . the second indicator is located in one of the dilator and insertion sheath.”

Kanner discloses with reference to FIGS. 20 and 20A an introducer 510 that includes a sheath 512 and a dilator 520. The dilator 50 includes a port that provides access to a blood marking passageway or lumen 540. The port is positioned distal of a distal end of the sheath 512. Blood flow in the lumen 540 may be visible at a proximal end of the dilator 520 to indicate that a distal end 516 of the dilator 520 is positioned within a vessel.

Kanner further discloses at col. 8, lines 51-59 that “an additional blood marking passageway (not shown) can be included proximal to the first blood marking passageway on the dilator or on the distal end of the sheath 512,” and that “the introducer 510 will include internal passageways (lumens) for blood marking and the guide wire.” However, Kanner fails to disclose or suggest a “third hole” (or inlet port) at the distal end of the vascular insertion assembly, or a “third indicator” (or proximal hole or outlet port) at a proximal end of the vascular insertion indicator, as required by claims 1, 28 and 45-48. There is no disclosure or suggestion by Kanner of including more than the blood marking lumen 520 and a single addition blood marking lumen (not shown) to provide an indication of a position of the dilator relative to an artery.

Therefore, Kanner fails to disclose or render obvious every limitation of claims 1, 28 and 45-48, and the claims that depend from them.

Claims 13, 21 and 60 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kanner in view of U.S. Patent No. 6,626,918 to Ginn et al. Applicants respectfully traverse this rejection. Kanner fails to disclose or render obvious every limitation of claims 1 and 47 for at least the reasons discussed above. Ginn fails to remedy the deficiencies of Kanner as it relates to claims 1 and 47. Therefore, claims 13, 21 and 60 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

Conclusion

For at least the foregoing reasons, Applicants believe that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicants respectfully request a favorable action on the merits. If the Examiner has any further comments or suggestions, Applicants invite the Examiner to contact the undersigned attorney to expedite the handling of this matter.

Applicants expressly disclaim all arguments, representations, and/or amendments presented or contained in any other patent or patent application, including any patents or patent applications claimed for priority purposes by the present application or any patents or patent applications that claim priority to this patent application. Moreover, all arguments, representations, and/or amendments presented or contained in the present patent application are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 08-2623.

Respectfully submitted,

Dated: 23 JUNE 2010



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